

HCS SB 39 -- CONTROLLED SUBSTANCES

SPONSOR: Cauthorn (Mayer)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 16 to 0.

This substitute makes several changes in the laws governing controlled substances.

The substitute creates within the Department of Public Safety the Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART). The task force will consist of five sheriffs appointed by the Governor. The task force will award grants from a MoSMART fund to law enforcement agencies to help cover the costs associated with the enforcement of methamphetamine laws.

The substitute establishes a \$150 surcharge to be assessed on defendants convicted of any drug charge which requires analysis of the drug by a crime lab. This money will be deposited in the Missouri Crime Laboratory Assistance Program.

The substitute makes the manufacturing or distribution of a controlled substance a class A felony when it is done within 2,000 feet of any school, or within a residence where a child resides. Currently, manufacturing or distributing a controlled substance in any location is a class B felony.

In addition, the substitute prohibits the retail sale of more than two packages, or six grams, of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine. The substitute also prohibits the sale of three packages, or nine grams, of any combination drug containing ephedrine, pseudoephedrine, or phenylpropanolamine. Packages having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine must be kept behind the counter or within six feet of an attended checkout counter and within the view of the checker. This provision does not apply to stores that have an electronic anti-theft system using a detection alarm and product tags on these drugs. The provision supercedes any local ordinance that might be more restrictive. Violation of this provision is a class A misdemeanor.

FISCAL NOTE: Estimated Net Cost to General Revenue Fund of More than \$100,000 in FY 2004, FY 2005, and FY 2006. Totals are partially subject to appropriation. Estimated Net Effect on MoSMART Fund of \$0 or Unknown in FY 2004, FY 2005, and FY 2006. Totals are subject to appropriation.

PROPONENTS: Supporters say that the battle to contain the

production of methamphetamine continues every day, but the funding required for this police work might not continue. Rural law enforcement agencies simply don't have the resources to police this growing problem, and they rely upon federal grants to keep officers working. That federal money may dry up at any time. One three-county region handled 900 cases last year. They had received \$200,000 in federal grants two years ago, but only \$100,000 this past year. Local law enforcement needs the state to help fund this battle.

Testifying for the bill were Senator Cauthorn; Representative Hobbs; Stuart Miller, Audrain County Sheriff; Missouri Sheriffs Association; and Missouri Farm Bureau.

OPPONENTS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst